

REMARKS

Claims 1, 3, 10-42, 44, 51-83, 85, and 92-125 are pending in the application. Claims 1, 3, 10-29, 42, 44, and 51-70 are hereby amended. Claims 83-125 are hereby canceled. Applicant respectfully requests allowance of the claims and consideration of the following remarks.

Rejections Based Upon 35 U.S.C. § 102(b)

Claims 1-11, 13-16, 18, 22, 27, 30-57, 59, 63, 68, 71-93, 95, 98, 100, 104, 109, and 112-125 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,638,371 (Raychaudhuri et al). Applicant respectfully traverses the rejection.

Amended independent claim 1 recites identifying a first number of channels in a section of a MAC for a first communication service and then *reducing* the first number of channels for the first communication service upon identifying a second number of channels for a second communication service wherein the second communication service has a higher priority than the first communication service. Additionally, amended claim 1 requires that the first communication service is different than the second communication service. The method of claim 1 dynamically configures the MAC based on the types of communication services requiring access to the MAC.

Raychaudhuri does not disclose *reducing* the first number of channels for the first communication service upon identifying a second number of channels for a second communication service wherein the second communication service has a higher priority than the first communication service. Rather, Raychaudhuri only dynamically *allocates* slots in a MAC- the *configuration* of the MAC remains constant. For example, 54 slots are reserved for ABR cells, 54 slots are reserved for CBR cells, and VBR cells share the 54 slots with the ABR cells (Raychaudhuri, col. 8, lines 26-39). Whereas Raychaudhuri allocates cells to their respective slots in the MAC, claim 1 provides for re-configuring the MAC based on which request communication services take priority.

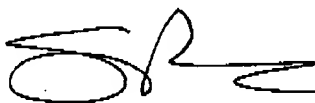
Claims 12, 53, and 94 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Raychaudhuri in view of Boucher (U.S. Patent No. 6,226,680). Applicant has distinguished the claims from Raychaudhuri, thereby obviating the need for a discussion under 35 U.S.C. § 103(a) related to Raychaudhuri in view of Boucher.

Independent claim 42 contains limitations similar to claim 1 and is therefore allowable over the prior art. The dependent claims contain limitations that render them separately allowable over the prior art. However, for the sake of brevity and because the dependent claims depend from allowable independent claims, applicant forgoes such a discussion.

CONCLUSION

The claims in their present form are allowable over the art of record. Applicant therefore solicits their allowance. Any fees in addition to those submitted may be charged to deposit account 21-0765.

Date: 5-10-04



Stephen S. Roche, Reg. No. 52,176
Duft Setter Ollila & Bornsen
Tel: (303) 938-9999
Fax: (303) 938-9995

Correspondence address:

CUSTOMER NO. 28004

Attn: Harley R. Ball
6391 Sprint Parkway
Mailstop: KSOPHT0101-Z2100
Overland Park, KS 66251-2100